

SECOND REGULAR SESSION

HOUSE BILL NO. 2074

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE McCANN BEATTY.

6270L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 430.225, RSMo, and to enact in lieu thereof one new section relating to liens for certain charitable health care entities and practitioners.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 430.225, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 430.225, to read as follows:

430.225. 1. As used in sections 430.225 to 430.250, the following terms shall mean:

(1) "Claim", a claim of a patient for:

(a) Damages from a tort-feasor; or

(b) Benefits from an insurance carrier;

(2) "Clinic", a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice, **which is supported in whole or in part by charity**;

(3) "Health practitioner", a chiropractor licensed pursuant to chapter 331, a podiatrist licensed pursuant to chapter 330, a dentist licensed pursuant to chapter 332, a physical therapist licensed under chapter 334, a physician or surgeon licensed pursuant to chapter 334, or an optometrist licensed pursuant to chapter 336, while acting within the scope of their practice, **who is supported in whole or in part by charity**;

(4) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381, or 383;

(5) ["Other institution", a legal entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (6)] "Patient", any person to whom a health practitioner, hospital, **or** clinic [or other
19 institution] delivers treatment, care or maintenance for sickness or injury caused by a tort-feasor
20 from whom such person seeks damages or any insurance carrier which has insured such
21 tort-feasor.

22 2. Clinics[,] **and** health practitioners [and other institutions], as defined in this section,
23 shall have the same rights granted to hospitals in sections 430.230 to 430.250.

24 3. If the liens of such health practitioners, hospitals, **or** clinics [or other institutions]
25 exceed fifty percent of the amount due the patient, every health care practitioner, hospital, **or**
26 clinic [or other institution] giving notice of its lien, as aforesaid, shall share in up to fifty percent
27 of the net proceeds due the patient, in the proportion that each claim bears to the total amount
28 of all other liens of health care practitioners, hospitals, **or** clinics [or other institutions]. "Net
29 proceeds", as used in this section, means the amount remaining after the payment of contractual
30 attorney fees, if any, and other expenses of recovery.

31 4. In administering the lien of the health care provider, the insurance carrier may pay the
32 amount due secured by the lien of the health care provider directly, if the claimant authorizes it
33 and does not challenge the amount of the customary charges or that the treatment provided was
34 for injuries caused by the tort-feasor.

35 5. Any health care provider electing to receive benefits hereunder releases the claimant
36 from further liability on the cost of the services and treatment provided to that point in time.

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